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2 **ORDINANCE NO.** _____

3 Draft Date: 12/10/2008

4 Date Adopted: _____

5 Date Effective: _____

6 **AN ORDINANCE REPEALING SECTION 21-1-105 AND**
7 **22-1-106 AND REENACTING SECTION 21-1-105 OF THE**
8 **WEST VALLEY CITY MUNICIPAL CODE REGARDING**
9 **THE CITY BAIL SCHEDULE.**

0 **WHEREAS**, West Valley City prosecutes both state and local crimes, infractions, and
1 violations; and

2 **WHEREAS**, the City has previously imposed additional fees for the administration and
3 prosecution of those crimes, violations, and infractions; and

4 **WHEREAS**, the City has determined that it is more efficient and equitable to eliminate
5 the fees and to adjust the recommended bail schedule for certain crimes committed within the
6 City; and

7 **WHEREAS**, the City Council of West Valley City, Utah, does hereby determine that it is
8 in the best interests of the health, safety, and welfare of the citizens of West Valley City to repeal
9 Sections 21-1-105 and 22-1-106 and reenact amend Title 21-1-105 of the West Valley City
10 Municipal Code.

11 **NOW, THEREFORE, BE IT ORDAINED** by the City Council of West Valley City,
12 Utah, as follows:

23 **Section 1. Repealer.** Any provision of the West Valley City Municipal Code found
24 to be in conflict with this Ordinance is hereby repealed.

25 **Section 2. Repealer.** Sections 21-1-105 and 22-1-106 of the West Valley City
26 Municipal Code is hereby repealed.

27 **CHAPTER 21-1**
28 **CRIMINAL OFFENSES – GENERAL PROVISIONS**

29 Sections:

60 21-1-101. Short Title.

21-1-102. Enactment of State Criminal Code.

21-1-103 Purposes and Principles of Procedure and Construction.

21-1-104. Repealed.

21-1-105. ~~Victim Impact Fee.~~

~~21-1-105. VICTIM IMPACT FEE.~~

36 ~~_____ (1) _____ (a) _____ In addition to any surcharge imposed by City ordinance or by state law, a~~
37 ~~victim impact fee shall be paid on all criminal fines, penalties, and forfeitures imposed by the~~
38 ~~West Valley City Justice Court, for any offense described in subsection (1)(b).~~

39 ~~_____ (b) _____ The victim impact fee is \$15 upon conviction of any non-traffic violation~~
40 ~~occurring within the City's boundaries, including a violation of City or county ordinances.~~

41 ~~_____ (c) _____ The victim impact fee shall not be imposed:~~

42 ~~_____ (i) _____ upon traffic violations; or~~

43 ~~_____ (ii) _____ upon court orders when the offender is ordered to perform~~
44 ~~community service work in lieu of a fine.~~

45 ~~_____ (d) _____ A violation of Utah Code Annotated section 41-6-44, Driving Under the~~
46 ~~Influence of Alcohol or Drugs, or section 41-6-45, Reckless Driving, shall not be considered to be~~
47 ~~traffic violations for the purposes of Subsection 1(c).~~

48 ~~_____ (2) _____ The victim impact fee shall be imposed in addition to the fine charged for a~~
49 ~~criminal offense, and no reduction may be made in the fine charged due to the imposition of the~~
50 ~~victim impact fee.~~

51 ~~_____ (3) _____ (a) _____ The monies from the victim impact fee shall be used for victim advocate~~
52 ~~projects, including funding for victim advocate personnel, advocacy, services and crime~~
53 ~~prevention programs.~~

54 ~~_____ (b) _____ The monies from the victim impact fee shall not be used for restitution~~
55 ~~for crime victims.~~

56 **CHAPTER 22-1**
57 **TRAFFIC OFFENSES – GENERAL PROVISIONS**

58 Sections:

59 22-1-101. Short Title.

60 22-1-102. Enactment of State Motor Vehicle Code.

61 22-1-103. Purposes and principles of procedure and construction.

62 22-1-104. Repealed.

63 22-1-105. Traffic enforcement on privately-owned roads in the Lake Park Corporate Centre.

64 ~~22-1-106. Transportation management fee.~~

65 **~~22-1-106. _____ TRANSPORTATION MANAGEMENT FEE.~~**

66 ~~_____ (1) _____ (a) _____ In addition to any surcharge imposed by City ordinance or by state law, a~~
67 ~~transportation management fee shall be paid on all criminal fines, penalties, and forfeitures~~
68 ~~imposed by the West Valley City Justice Court, for any offense described in subsection (1)(b).~~

69 ~~_____ (b) _____ The transportation management fee is \$10 upon conviction of any~~
70 ~~moving traffic violation committed within the City's boundaries, including a violation of City or~~
71 ~~county ordinances.~~

~~_____ (c) _____ The transportation management fee shall not be imposed:~~
~~_____ (i) _____ upon non-moving traffic violations;~~
~~_____ (ii) _____ upon court orders when the offender is ordered to perform~~
~~community service work in lieu of a fine;~~
~~_____ (iii) _____ if a traffic mitigation impact surcharge is imposed by the State of~~
~~Utah pursuant to Title 63, Chapter 63b of the Utah Code.~~
~~_____ (2) _____ The transportation management fee shall be imposed in addition to the fine~~
~~charged for a criminal offense, and no reduction may be made in the fine charged due to the~~
~~imposition of the transportation management fee.~~
~~_____ (3) _____ The monies from the transportation management fee shall be used for traffic~~
~~management projects, including traffic management systems, traffic calming devices and~~
~~practices, and studies to determine traffic flow.~~

Section 3. Reenactment. Title 21-1-105 is hereby reenacted as follows:

CHAPTER 21-1
CRIMINAL OFFENSES – GENERAL PROVISIONS

Sections:
21-1-101. Short Title.
21-1-102. Enactment of State Criminal Code.
21-1-103. Purposes and Principles of Procedure and Construction.
21-1-104. Repealed.
21-1-105. ~~Victim Impact Fee~~ **City Bail Schedule.**

21-1-105. CITY BAIL SCHEDULE.

(1) The City bail schedule for every traffic offense, including moving and non-moving violations, and misdemeanor and infraction criminal violations shall be the state bail schedule as established Utah State Code and the Utah Judicial Council for Justice Courts plus the sum of \$15.

Section 4. Severability. If any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

Section 5. Effective Date. This Ordinance shall take effect immediately upon posting in the manner required by law.

PASSED and APPROVED this _____ day of _____, 2008.

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WEST VALLEY CITY

MAYOR

ATTEST:

CITY RECORDER